

Appl. No. 10/806,288
Amendment dated: July 21, 2005
Reply to OA of: March 21, 2005

REMARKS

Applicants have amended the specification and claims in order to more particularly define the invention taking into consideration the outstanding Official Action. The specification has been amended to add a new title as suggested by the Examiner and restricted to the elected invention. The prior related applications have been cross-referenced in the beginning of the specification as required by the Examiner to provide the priority information. In addition, on page 10, beginning at line 6, the recitation "at amino acid locations 1052-1067" has been canceled having been objected to as new matter added in the previous preliminary amendment.

With regard to the non-compliance with sequence rules, Applicants discussed the sequence listing and numbers at length in the parent application and therefore believe that the replacement passages should be in the parent application text and not in the original text filed with the PCT application. Applicants have further considered the Official Action and advise the undersigned attorney that further clarification is necessary concerning the page numbers referred to in the rejection.

The undersigned attorney check the IFW and confirmed that the Examiner is considering the same specification as the undersigned attorney. Page 17 has been considered but it is not seen where there is a reference to additional sequences. The amendment of pages 19-21 made in the amendment of April 30, 2004 refers to sequence No. 10. which is identified as appears to be the sequence for Example 1. Further clarification is requested if this requirement is maintained as briefly discussed with the Examiner over the telephone.

Appl. No. 10/806,288
Amendment dated: July 21, 2005
Reply to OA of: March 21, 2005

Claims 1-29 were previously canceled and claims 31-35, which were previously withdrawn from consideration have been canceled from the application without prejudice or disclaimer. Claim 30 has been amended as required by the Examiner because of informalities. Applicants most respectfully submit that all the claims now present in the application are in full compliance with all statutory requirements and are clearly patentable over the references of record.

The rejection of claim 30 under 35 U.S.C. §101 as being directed to a non-statutory subject matter. The recitation "Antibodies" in line 1 of claim 30 reads on a product of nature. Claim 30 lacks limitations, which distinguish the product from those that may exist naturally. This is specifically traversed in view of the amendment to claim 30.

Applicants have amended claim 30 to recite "Collected antibodies" and therefore believe that this rejection has been obviated. Support for this amendment is found in the original PCT application on page 4, the last four lines. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 30 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention has been carefully considered but is most respectfully traversed in view of the further amendment to claim 30.

Applicants have canceled "Staphylococcus epidermidis protein having an amino acid sequence of SEQ ID NO 15" from claim 30 and therefore believe the rejection thereto in paragraph 12 of the Official Action no longer applies. This is true for the objection to the specification. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 30 under 35 U.S.C. 102(b) as being anticipated by Palker et al. as evidenced by McGuinness et al. has been carefully considered but is most respectfully traversed.

Appl. No. 10/806,288
Amendment dated: July 21, 2005
Reply to OA of: March 21, 2005

The Examiner rejects claim 30 because the claimed antibodies are not required to be isolated and/or purified. The claimed antibodies are not required to bind specifically to the purified SEQ ID NO 15 or 13. Applicants do not agree with the Examiner since in the scientific world "antibodies raised against" a certain protein means that an individual has been vaccinated or immunized with the pure protein in question, and therefore the antibodies which are produced by the individual are specific for just this injected protein. The antibodies produced in example 12 are raised against a *Staphylococcus epidermidis* polypeptide having fibrinogen binding activity and having the comparatively long amino acid sequence of SEQ ID NO 13 or a fusion protein comprising this amino acid sequence.

The fibrinogen binding site is much larger than the three amino acid epitope cited by the Examiner, which is evident from the later publication where the authors have tried to find shorter sequences that would be fibrinogen binding. They did not succeed to find any sequence shorter than 331 amino acids. Please find enclosed a copy of the article "Infection and Immunity, vol. 66, no. 6, pp. 2666-2673 (see Fig. 2 and page 2671, left column, 5 last lines). Further, one of the inventors has provided an article in *Cell*, vol. 115, 217-228, 2003, K. Ponnuraj et al., and states that this article shows that it is highly unlikely or impossible to think that a tripeptide would have a fibrinogen-binding property. The function of the fibrinogen-binding polypeptide of this invention is too complex to be comprised of a tripeptide only. Accordingly, it is most respectfully requested that in view of the amendment to claim 30 and the above discussion this rejection be withdrawn.

Appl. No. 10/806,288
Amendment dated: July 21, 2005
Reply to OA of: March 21, 2005

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: Richard E. Fichter
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
REF:kdd

A01.wpd

July 21, 2005